
(2023) 01 OHC CK 0050
In the Orissa High Court
Case No : Writ Petition (C) No. 36670 of 2022

Srikanta Kumar Dash And Another

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 12-01-2023

Acts Referred:

Citation : (2023) 01 OHC CK 0050

Hon'ble Judges : Arindam Sinha, J;S. K. Mishra, J

Bench : Division Bench

Advocate : Prafulla Kumar Rath, A.K. Nanda

Final Decision : Disposed Of

Judgement

I.A. No.550 of 2023

1. Mr. Rath, learned advocate appears on behalf of petitioners and submits, there was settlement of land by lease on his client. Ac. 0.37 decimals of land, also in occupation of his clients, were treated to be as land encroached by his clients and terms set by order dated 23rd December, 2000, for his clients to obtain lease in respect thereof. On query from Court, he submits, in paragraph-13 of the petition statements have been made regarding the revenue authorities refusing to implement the order inspite of readiness and willingness of his clients.

2. Subsequent to filing of the writ petition, Puri Municipality has issued public notice dated 9th January, 2023 asserting encroachment of lands and directing vacating thereof within 24 hours. He submits, inter alia, copies of the notice was marked to the Sub-Collector and Tahasildar.

3. Mr. Nanda, learned advocate, Additional Government Advocate appears on behalf of State and prays for adjournment to obtain instructions.

4. Executive Officer, Puri Municipality PO and District, Puri is added as opposite party no.5. Petitioners will file consolidated cause title and thereafter put in requisites for service of notice along with this order on added opposite party no.5

by registered/speed post with AD. Consolidated cause title has already been served on State by the application.

5. The I.A. is disposed of.

6. State (opposite party nos. 1 to 4) will file counter by 6th February, 2023. This long time is being granted on prayer made by Mr. Nanda. Added opposite party is also expected to file counter by that date. Petitioners may file rejoinder, to be accepted on adjourned date upon advance copies served.

7. List on 13th February, 2023. Status quo in respect of Ac. 0.37 decimals of land being subject matter of order dated 23rd December, 2023 passed by Collector, Puri and disclosed at page-30 of the petition be maintained till next date of hearing.

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